

REMARKS

Claims 1-30 are pending in the application. It is gratefully acknowledged that Claims 9, 17, 18 and 22 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 1-8, 10-16, 19-21 and 23-30 are rejected under 35 U.S.C. §103(a) as unpatentable over Odenwalder et al. (U.S. Patent 5,909,434) in view of Ikeda et al. (U.S. Patent 5,691,995).

The finding of allowable subject matter in Claims 9, 17, 18 and 22 is gratefully acknowledged. On March 19, 2008 Applicants' representative conducted an Examiner's Interview with the Examiner to determine the status of Claims 19 and 30, since Claims 19 and 30 depend from Claim 17 (either directly or indirectly). The Examiner stated that these claims are also objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In the Office Action, the status of Claims 19 and 30 were mistakenly listed as "rejected" rather than as "objected to". This oversight is respectfully brought to the attention of the Examiner.

Regarding the rejections of independent Claims 1 and 11 under §103(a), the Examiner states that Odenwalder in view of Ikeda renders the claims unpatentable. Applicants respectfully disagree.

Odenwalder discloses bright and burst mode signaling data transmission in an adjustable rate wireless communication system; and Ikeda discloses transmission of data by using convolutional coding of different code rates and the encoded data reception including decoding of the received data.

Each of Claims 1 and 11 recite, in part, generating a first frame message and generating a second frame message, i.e. two distinct frame messages are generated. In its description of its

frame generator, Odenwalder at col. 3, lines 19-30 states that its frame generator generates a frame from both the signal data and user data, i.e. Odenwalder generates one frame. The generation of one frame is not and cannot be equated with the generation of two distinct frame messages. Ikeda does not cure these defects of Odenwalder.

Each of Claims 1 and 11 recite, in part, replacing a portion of the second frame message with the first frame message, i.e. the replacement of part of one distinct frame message with another frame message. Ikeda merely discloses a generic multiplexing process. Ikeda does not teach or disclose replacing a portion of the second frame message with the first frame message as recited in Claims 1 and 11. Odenwalder does not cure these defects of Ikeda.

The combination of Odenwalder and Ikeda still results in only one frame that may be multiplexed, which is not and cannot be equated with generating a first frame message and generating a second frame message and replacing a portion of the second frame message with the first frame message as recited in Claims 1 and 11.

Based on at least the foregoing, withdrawal of the rejection of Claims 1 and 11 under §103(a) is respectfully requested.

Regarding the rejections of independent Claims 24 and 26 under §103(a), the Examiner also states that Odenwalder in view of Ikeda renders the claims unpatentable. Applicants again respectfully disagree.

Each of Claims 24 and 26 recite decoding a signal to generate a first frame message and decoding the signal to generate a second frame message. Again, in its description of its frame generator, Odenwalder at col. 3, lines 19-30 states that its frame generator generates a frame from both the signal data and user data, i.e. Odenwalder generates one frame. The generation of one frame is not and cannot be equated with the decoding of a signal to generate two distinct frame messages. Ikeda does not cure these defects of Odenwalder.

Based on at least the foregoing, withdrawal of the rejection of Claims 24 and 26 under §103(a) is respectfully requested.

Independent Claims 1, 11, 24 and 26, are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims, 2-8, 10, 12-16, 20, 21, 23, 25 and 27-29, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-8, 10, 12-16, 20, 21, 23, 25 and 27-29 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-30, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Douglas M. Owens, III  
Reg. No. 51,314  
Attorney for Applicants

THE FARRELL LAW FIRM  
290 Broadhollow Road, Suite 210 E  
Melville, New York 11747  
Tel: (516) 228-3565  
Fax: (516) 228-8475

DMO/MJM/df